

August 13, 1997

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Federal Communications Commission
Washington DC 20554

REFERENCE

MM Docket No 91-221

MM Docket No 87-8

MM Docket No. 94-150

MM Docket No 92-51

MM Docket No 87-154

RE: Response to the FCC's request for factual information regarding current television Local Marketing Agreements (LMAs).

The unique dynamics often found in small television markets lay the foundation for the argument that LMAs in these communities do not serve the public's interest, convenience or necessity. In fact, LMAs in small markets threaten the very spirit embodied in the Communication Act of 1934, the statute which stands guard over a broadcaster's use of public airwaves.

While LMAs in large television markets still provide the local community with a number of other TV stations as options for news, public service and advertising, LMAs in smaller markets do not. For example: where I live, (the Harrisburg/Lancaster, PA market) an LMA exists between Clear Channel (WHP-TV, CBS) and Gateway Communications (WLYH, UPN). In my opinion, a conflict between the broadcasters and the community's interest does not exist because this market is large enough that other local TV stations provide news, public service and advertising alternatives. The power of the company operating the LMA is checked and balanced because market control is spread to many competitors.

In smaller television markets, LMAs often leave viewers and advertisers with few independent news, public service and advertising options. I feel many small market LMAs have closed the door for the entry of new and different voices—which tends to have the biggest negative impact on minorities and women.

A perfect example of a "bad" LMA is the LMA between AK Media Group, Inc. (owners of the Fox station KCBA-TV) and Harron Television of Monterey (licensee of the CBS affiliate KION 46 formerly KCCN-TV) in the Monterey/Salinas/Santa Cruz, California television market. This LMA has silenced an independent news source, has eliminated competition for public service sponsorship and has reduced competition favorable to advertisers; leaving the community in the grips of a corporation that now controls over 66% of the public English-speaking television airwaves. Only ONE other station (KSBW-TV 8, NBC) is left as an independent local station serving this area.

An examination of the arguments presented in the Submission of AK Media Group, Inc., and Harron Television of Monterey of Certain Requested Factual Information Regarding LMAs (July 8, 1997), finds the logic in defending their LMA **VERY** weak. They claim:

"Perhaps the most important contribution of the Monterey LMA, however lies in the continuing effort to foster and maintain diversity and competition in news programming in the Monterey Salinas DMA.....(pg. 5).....substantial evidence that the LMA entered into by AK Media and Harron is in the public interest.

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These efforts have not gone unnoticed by the community. Attached are copies of letters attesting to KION's commitment of and involvement in the community."

First, the few letters that accompanied AK Media's package to the FCC are not exactly what one would call an outpouring of community appreciation for AK Media's "public service" contribution.

Second, the quiet undertone of what is not written and has *not* been presented by AK Media-Harron can be felt. I am very familiar with the people at the heart of the local community service organizations in the Monterey/Salinas/Santa Cruz area. As the former Promotion Manager/Community Relations Director of KCCN-TV, I worked to support these volunteers for years. A significant number of non-profit agencies fear protesting the AK Media-Harron LMA because of possible exclusion from KION's powerful broadcasting share of the market. These organizations have limited funds and depend heavily on the trust of local television broadcasters to help them provide for the needs of many under-served segments of our community. These community service groups cannot risk the future success of their organizations by "rocking the boat".

The AK Media-Harron submission to the FCC is not a convincing argument to allow an LMA to continue in the Monterey/Salinas/Santa Cruz television market. We should question: *Where is the **REAL** factual information needed to make a decision on whether this LMA serves the public's interest, convenience and necessity?* Perhaps AK Media-Harron should address the following points:

- The reasoning as to why Harron entered an LMA when vigorous bidding was present to keep the station an independent voice.
- Why hasn't AK Media provided as evidence the air logs comparing air-time given to local organizations before and after the LMA?
- Why have more than 75% of previously sponsored local events have not returned to KION-TV for support since the LMA?
- How can it be in the community's best interest to have ONE staff control the news/editorial and programming decisions for BOTH stations in such a small market?
- Why hasn't ONE community group or advertiser clearly stated that an LMA is better for the community than having had an independent owner step forth and provide alternatives?

It is obvious that healthy television competition in the Monterey/Salinas/Santa Cruz, CA has been squelched by this LMA. It is chilling to think such a tragedy may happen to other small markets across the nation by the approval or grandfathering of existing LMAs.

I feel it is the FCC's obligation to be guided by the public interest, convenience and necessity. In order to uphold this basic provision upon which the broadcasting industry was built upon, I hope that you will not approve or grandfather existing LMAs in vulnerable small television markets.

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